In the Claims

1. (Currently Amended) ~~In a CDMA network, a~~ A method for controlling a pilot power of a cell, said method comprising:

    determining a transcoder loss per frame within the cell; ~~and~~

    computing a cell performance ~~matrix~~ metric of the cell when the transcoder loss per frame is equal to or greater than a threshold value:

    computing a cluster performance metric of a cell cluster associated with the cell when the transcoder loss per frame is equal to or greater than a threshold value, the cell cluster: and

    conditionally decreasing the pilot power of the cell when the cell performance metric is less than the cluster performance metric

2. (Currently Amended)   The method of claim 1, wherein the cell performance ~~matrix~~ metric is computed according to:

$$CellPerformanceMetric = \left(\frac{CP}{T}\right) \times \left(\frac{FE}{F}\right) \times \left(\frac{TLU}{TLD}\right) \times \left(\frac{Ec}{Io}\,Average\right).$$

3. (Cancelled)

4. (Currently Amended)   The method of claim ~~3~~ 1, wherein the cluster performance ~~matrix~~ metric is an average of each cell performance ~~matrix~~ metric for each cell within the cell cluster, and each cell performance ~~matrix~~ metric is computed according to:

$$CellPerformanceMetric = \left(\frac{CP}{T}\right) \times \left(\frac{FE}{F}\right) \times \left(\frac{TLU}{TLD}\right) \times \left(\frac{Ec}{Io}\,Average\right).$$

5. (Cancelled)

6. (Currently Amended)   The method of claim ~~3~~ 1, further comprising:

    conditionally increasing the pilot power of the cell when the cell performance ~~matrix~~ metric is equal to or greater than the cluster performance ~~matrix~~ metric.

Claims 7-12 have been cancelled.

3

13. (Currently Amended) A ~~CDMA~~ network, comprising:

a cell having a pilot power;

means for determining a transcoder loss per frame within a cell; and

means for computing a cell performance ~~matrix~~ metric of the cell ~~when the transcoder loss per frame is equal to or greater than a threshold value~~;

means for computing a cell cluster performance metric of said cell cluster; and

means for conditionally decreasing the pilot power of the cell by a fixed increment when the cell performance metric is less than the cell cluster performance metric.

14. (Cancelled).

15. (Cancelled).

16. (Currently Amended)   The ~~CDMA~~ network of claim ~~14~~ 13, further comprising:

means for conditionally increasing the pilot power of the cell by a fixed increment when the cell performance ~~matrix~~ metric is equal to or greater than the cluster performance ~~matrix~~ metric.

17. (Currently Amended)   A computer readable medium storing a computer program for controlling a pilot power of a cell within a ~~CDMA~~ network, said computer readable medium comprising:

computer readable code for determining a transcoder loss per frame within the cell; and

computer readable code for computing a cell performance ~~matrix~~ metric of the cell ~~when the transcoder loss per frame is equal to or greater than a threshold value~~.

computer readable code for computing a cluster performance metric of a cell cluster of the CDMA network that is associated with the cell; and

computer readable code for conditionally decreasing the pilot power of the cell when the cell performance metric is less than the cluster performance metric.

4

18. (Currently Amended)   The computer readable medium of claim 17, wherein the cell performance ~~matrix~~ metric is computed according to:

$$CellPerformanceMetric = \left(\frac{CP}{T}\right) \times \left(\frac{FE}{F}\right) \times \left(\frac{TLU}{TLD}\right) \times \left(\frac{Ec}{Io}\,Average\right).$$

19. (Cancelled).

20. (Currently Amended)   The computer readable medium of claim ~~19~~ 17, wherein the cluster performance ~~matrix~~ metric is an average of each cell performance ~~matrix~~ metric for each cell within the cell cluster, and each cell performance ~~matrix~~ metric is computed according to:

$$CellPerformanceMetric = \left(\frac{CP}{T}\right) \times \left(\frac{FE}{F}\right) \times \left(\frac{TLU}{TLD}\right) \times \left(\frac{Ec}{Io}\,Average\right).$$

21. (Cancelled).

22. (Currently Amended)   The computer readable medium of claim ~~19~~ 17, further comprising:

computer readable code for conditionally increasing the pilot power of the cell when the cell performance ~~matrix~~ metric is equal to or greater than the cluster performance ~~matrix~~ metric.

23. (Currently Amended)   A method for controlling a pilot power of a cell within a ~~CDMA~~ network, said method comprising:

computing a cell performance ~~matrix~~ metric of the cell;

computing a cluster performance ~~matrix~~ metric of a cell cluster associated with the cell;

controlling the pilot power based upon a computation of the cell performance ~~matrix~~ metric and a computation of the cluster performance ~~matrix~~ metric, wherein the pilot power of the cell is decreased when the cell performance metric is less than the cluster performance metric.

Claims 24-26 have been cancelled

5